

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DUWAYNE CAREY,	)	
	)	Civil Action No. 06 - 1578
Plaintiff,	)	
	)	Judge Terrence F. McVerry
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
BARRY JOHNSON; LT. BIRKHIMER; and	)	
ELEANOR WEAVER,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

On November 27, 2006, the above captioned case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 28), filed on February 19, 2008, recommended that the Motion for Summary Judgment filed by Defendants (doc. no. 18) be granted. All parties were served with the Report and Recommendation; no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 17<sup>th</sup> day of March, 2008;

**IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by Defendants (doc. no. 18) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 28) of Magistrate Judge Lenihan, dated February 19, 2008, is adopted as the Opinion of the court.

**IT IS FURTHER ORDERED** that **JUDGMENT** is entered in favor of the Defendants and the Clerk of Court is directed to mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Dwayne Carey  
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Wilkinsburg, PA 15221